

85th Legislative Session – 2010

Committee: House Taxation

Thursday, February 18, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Cutler
P Feickert
P Gibson
P Greenfield
P Hunhoff (Bernie)
P Juhnke
P Kirkeby
P Kirschman
P Lange
P Lederman
P Russell
P Solum
P Thompson
P Noem, Vice-Chair
P Olson (Ryan), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Ryan Olson.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 16, 2010.

Moved by: Cutler
Second by: Gibson
Action: Prevailed by voice vote.

HB 1255: lower the state sales and use tax on certain food items and to increase the rate of taxation for the sales and use tax on certain goods and services.

*Prior testimony heard on February 16, 2010.

Presented by: Representative Marc Feinstein (Handouts: #1)
Proponents: Cathy Brechtelsbauer, Self, Sioux Falls (Handouts: #2, #3)
Greg Boris, South Dakota Voices for Children
Opponents: Jane Page, Department of Revenue and Regulation
Shawn Lyons, SD Retailers Association

MOTION: DEFER HB 1255 TO THE 41ST LEGISLATIVE DAY

Moved by: Noem
Second by: Greenfield
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1255

Moved by: Kirkeby
Second by: Gibson
Action: Prevailed by roll call vote. (9-6-0-0)

Voting Yes: Cutler, Feickert, Gibson, Hunhoff (Bernie), Kirkeby, Kirschman, Lange, Lederman, Thompson

Voting No: Greenfield, Juhnke, Russell, Solum, Noem, Olson (Ryan)

HB 1237: revise certain provisions regarding the refunds for new or expanded agricultural facilities and the refunds for new or expanded business facilities and to declare an emergency.

MOTION: TO TABLE HB 1237

Moved by: Gibson
Second by: Greenfield
Action: Prevailed by roll call vote. (13-0-2-0)

Voting Yes: Cutler, Feickert, Gibson, Greenfield, Hunhoff (Bernie), Juhnke, Kirkeby, Lederman, Russell, Solum, Thompson, Noem, Olson (Ryan)

Excused: Kirschman, Lange

HB 1246: revise the definition of new business facilities that are eligible for certain tax refunds and to declare an emergency.

Presented by: Representative Jason Frericks
Proponents: Charlie Flowers, SD Coalition of Schools
David Wiest, Department of Revenue and Regulation
Opponents: Dennis Duncan, Trans Canada Corporation
Julie Johnson, Absolutely Aberdeen

MOTION: AMEND HB 1246

1246ra

On page 2, between lines 2 and 3 of the printed bill, insert:

"

Section 2. The provisions of this Act apply to any project where the construction date is after the effective date of this Act.

The provisions of chapter 10-45B in effect prior to the effective date of this Act apply to any project where the construction date was before the effective date of this Act."

Moved by: Gibson
Second by: Kirschman
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1246 AS AMENDED

Moved by: Hunhoff (Bernie)
Second by: Gibson
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1246 TO THE 41ST LEGISLATIVE DAY

Moved by: Lederman
Second by: Greenfield
Action: Failed by roll call vote. (2-12-1-0)

Voting Yes: Greenfield, Lederman

Voting No: Feickert, Gibson, Hunhoff (Bernie), Juhnke, Kirkeby, Kirschman, Lange, Russell, Solum, Thompson, Noem, Olson (Ryan)

Excused: Cutler

THE MOTION TO DO PASS HB 1246 AS AMENDED

Moved by: Hunhoff (Bernie)
Second by: Gibson
Action: PREVAILED BY ROLL CALL VOTE. (12-2-1-0)

Voting Yes: Feickert, Gibson, Hunhoff (Bernie), Juhnke, Kirkeby, Kirschman, Lange, Russell, Solum, Thompson, Noem, Olson (Ryan)

Voting No: Greenfield, Lederman

Excused: Cutler

HB 1270: revise the conditions pursuant to which the state may enter into tax collection agreements with Indian tribes.

Presented by: Representative Kevin Killer
Proponents: Whitney Meek, Self, Rosebud
Representative Larry Lucas
Senator Jim Bradford
Opponents: David Wiest, Department of Revenue and Regulation

MOTION: DO PASS HB 1270

Moved by: Hunhoff (Bernie)
Second by: Greenfield
Action: Prevailed by roll call vote. (14-1-0-0)

Voting Yes: Cutler, Feickert, Gibson, Greenfield, Hunhoff (Bernie), Juhnke, Kirkeby, Kirschman, Lange, Lederman, Russell, Solum, Thompson, Noem

Voting No: Olson (Ryan)

MOTION: ADJOURN

Moved by: Greenfield
Second by: Gibson
Action: Prevailed by voice vote.

Linda Daugaard
Committee Secretary

Ryan P. Olson, Chair